



Federal Communications Commission
Washington, D.C. 20554

May 19, 2010

DA 10-809

Small Entity Compliance Guide

Coordination between the Non-Geostationary and Geostationary Satellite Orbit

Report and Order
ET Docket No. 03-254
FCC 10-15
Released: January 20, 2010

This Guide is prepared in accordance with the requirements of Section 212 of the Small Business Regulatory Enforcement Fairness Act of 1996. It is intended to help small entities—small businesses, small organizations (non-profits), and small governmental jurisdictions—comply with the new rules adopted in the above-referenced FCC rulemaking docket(s). This Guide is not intended to replace the rules and, therefore, final authority rests solely with the rules. Although we have attempted to cover all parts of the rules that might be especially important to small entities, the coverage may not be exhaustive. This Guide may, perhaps, not apply in a particular situation based upon the circumstances, and the FCC retains the discretion to adopt approaches on a case-by-case basis that may differ from this Guide, where appropriate. Any decisions regarding a particular small entity will be based on the statute and regulations.

In any civil or administrative action against a small entity for a violation of rules, the content of the Small Entity Compliance Guide may be considered as evidence of the reasonableness or appropriateness of proposed fines, penalties or damages. Interested parties are free to file comments regarding this Guide and the appropriateness of its application to a particular situation; the FCC will consider whether the recommendations or interpretations in the Guide are appropriate in that situation. The FCC may decide to revise this Guide without public notice to reflect changes in the FCC's approach to implementing a rule, or to clarify or update the text of the Guide. Direct your comments and recommendations, or calls for further assistance, to the FCC's Consumer Center:

1-888-CALL-FCC (1-888-225-5322)

TTY: 1-888-TELL-FCC (1-888-835-5322)

Fax: 1-866-418-0232

fccinfo@fcc.gov

Objectives of the Report and Order

In the *Report & Order* released January 20, 2010, the Commission modified our frequency coordination rules to promote sharing between non-geostationary satellite orbit (“NGSO”) and geostationary satellite orbit (“GSO”) fixed-satellite service (“FSS”) operations and various terrestrial services operating in several frequency bands. The Commission declined to adopt a joint proposal by SkyBridge L.L.C. and the Fixed Wireless Communications Coalition (“SkyBridge/FWCC Growth Zone Proposal”) to supplement our existing coordination procedures to promote sharing between new NGSO FSS space-to-Earth (“downlink”) operations and existing Fixed Service (“FS”) operations in the 10.7-11.7 GHz (“10 GHz”) band. The Commission adopted such proposals for amending our frequency coordination rules to address situations where NGSO FSS and GSO FSS operations share spectrum with terrestrial operations in the FS, Broadcast Auxiliary Service (“BAS”) and Cable Television Relay Service (“CARS”) in various bands. The Commission undertook the proceeding to facilitate the introduction of new satellite and terrestrial services while promoting interference protection among the various users in these bands.

Rules That the Commission Amended

- The Commission adopted changes to rules to facilitate the introduction of new satellite and terrestrial services while promoting interference protection among the various users in these bands specifically by: amending Section 74.638 by revising paragraph (a), paragraph (b), the introductory text of paragraph (c), and paragraph (d); and by amending Section 78.36 to revise paragraph (a), the introductory text of paragraph (b), paragraph (b)(1), the introductory text of paragraph (c), and paragraph (d) (47 CFR §§74.638, 78.36).

Impact on Small Business

This new rule will have no significant adverse impact on small entities.

Coordination Procedures

- As a result of this Order, entities have various choices for coordination of new operations and sharing.
- The new rules apply existing Parts 25 and 101 “notice and response” coordination rules for coordination of new FSS (both NGSO and GSO) earth stations with mobile BAS/CARS operations in the 6875-7075 MHz (“7 GHz”) and 12750-13250 MHz (“13 GHz”) bands.
- The new rules allow either the Parts 74 and 78 informal *ad hoc* coordination rules or the Part 101 “notice and response” coordination rules to be used for the coordination of mobile BAS/CARS operations with FSS (both NGSO and GSO) earth stations, in the 7 GHz and 13 GHz bands.
- The new rules apply the existing Parts 25 and 101 “notice and response” coordination rules for sharing between new NGSO FSS earth stations and fixed BAS/CARS operations in the 7 GHz and 13 GHz bands.

Recordkeeping and Other Compliance Requirements

The rules adopted in this Report and Order are not intended to increase the reporting, recordkeeping and other compliance requirements of any licensee, and we do not anticipate any differential treatment to be received by larger and smaller entities.

Weblink and Citations

Report and Order, FCC 10-15, 25 FCC Rcd 622 (2010); 75 FR 17055, April 5, 2010;
http://fjallfoss.fcc.gov/edocs_public/attachment/FCC-10-15A1.doc.

Notice of Proposed Rule Making, FCC 03-318, 18 FCC Rcd 26831 (2003); 69 FR 4908, February 2, 2004; http://fjallfoss.fcc.gov/edocs_public/attachment/FCC-03-318A1.doc.